

REMARKS

In the Office Action dated April 28, 2003, the Examiner has required restriction, under 35 U.S.C. §121, to the invention of Group I (Claims 1-11) or Group II (Claims 12-22). Applicants affirm that they have elected the invention of Group II (Claims 12-22), and consider Claims 1-11 to be withdrawn from further consideration. Further, the Examiner has objected to the specification as failing to provide proper antecedent basis for the claimed subject matter (37 CFR 1.75 (d)(1)); rejected Claims 19, 21, and 22 under 35 U.S.C. §112, second paragraph; and rejected Claims 12-14 and 16-19 under 35 U.S.C. §102(b). The Examiner has, however, kindly indicated that Claims 15 and 20 would be allowable if rewritten to include in independent form including all the limitations of the base claim and any intervening claims. By this paper, it is proposed that Claims 12, 14, and 17-20 be amended to more particularly point out that which the Applicant regards as the invention, and Claims 13, 15, 16, 21, and 22 have been cancelled without prejudice. For the reasons set forth fully below, it is respectfully submitted that Claims 12, 14, and 17-20, the claims remaining in this Application, as amended, are now allowable.

The Examiner has objected to the specification as failing to provide proper antecedent basis for the claimed subject matter (37 CFR 1.75 (d)(1)), and Claim 19 has been rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim that which Applicants regard as the invention. The Examiner has particularly noted that the specification refers to “toner layer”. As such disclosure is proper, the claims have herein been amended to positively recite a “toner layer”. Further, the Examiner suggests that the basis of the percentage for carbon black is not identified. The percentage of carbon black is clearly a weight percentage, as interpreted by the Examiner, and is now positively called out consistent with the manner in which Applicants typically describe material percentages.

Claims 12, 14 and 16-19 have been rejected under 35 U.S.C. §102(b) as being anticipated by Kobayasi (US 5,149,610). As noted above, the Examiner has indicated that Claim 15 (and Claim 20) contains allowable subject matter. Such subject matter has now been fully incorporated into independent Claim 12 (and Claim 15 has been cancelled without prejudice). Accordingly, it is respectfully submitted that

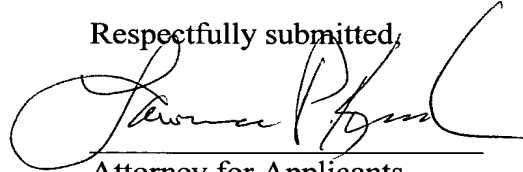
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independent Claim 12, and Claims 14 and 17-20 dependent directly or indirectly thereon, as amended herein, are now allowable.

Applicants are not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

As now presented, this application is believed to be in condition for favorable reconsideration and early allowance, and such actions are respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lawrence P. Kessler", written over a horizontal line.

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